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APPLICATION NO.	F	ILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/846,023	05/01/2001		Tatsuya Haraguchi	016907/1229	4290
22428	7590	04/10/2006		EXAMINER	
FOLEY AN	D LARI	DNER LLP		BOVEJA, N	IAMRATA
3000 K STREET NW				ART UNIT	PAPER NUMBER
WASHINGT				3622	

DATE MAILED: 04/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
	09/846,023	HARAGUCHI ET AL.				
Office Action Summary	Examiner	Art Unit				
	Namrata Boveja	3622				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPL WHICHEVER IS LONGER, FROM THE MAILING D.  - Extensions of time may be available under the provisions of 37 CFR 1. after SIX (6) MONTHS from the mailing date of this communication.  - If NO period for reply is specified above, the maximum statutory period Failure to reply within the set or extended period for reply will, by statut Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	DATE OF THIS COMMUNICATION 136(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDONE	the mailing date of this communication.  D (35 U.S.C. § 133).				
Status	•					
1) ☐ Responsive to communication(s) filed on 13 J  2a) ☐ This action is <b>FINAL</b> . 2b) ☐ This  3) ☐ Since this application is in condition for allowed closed in accordance with the practice under	s action is non-final. ance except for formal matters, pro					
Disposition of Claims						
4) ⊠ Claim(s) 1-16 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) □ Claim(s) is/are allowed. 6) □ Claim(s) is/are rejected. 7) □ Claim(s) is/are objected to. 8) ⊠ Claim(s) 1-16 are subject to restriction and/or	awn from consideration.					
Application Papers						
9) The specification is objected to by the Examina 10) The drawing(s) filed on is/are: a) accomposed and applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11) The oath or declaration is objected to by the Examina  11 The oath or declaration is objected.	cepted or b) objected to by the Ee drawing(s) be held in abeyance. See ction is required if the drawing(s) is obj	e 37 CFR 1.85(a). lected to. See 37 CFR 1.121(d).				
Priority under 35 U.S.C. § 119						
<ul> <li>12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</li> <li>a) All b) Some * c) None of:</li> <li>1. Certified copies of the priority documents have been received.</li> <li>2. Certified copies of the priority documents have been received in Application No</li> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
Attachment(s)  1) Notice of References Cited (PTO-892)  2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08 Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:					

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## Election/Restrictions

1. Upon further review, it has come to my attention that another restriction is appropriate.

- 2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-7 drawn to an advertising information processing system for enabling and controlling the display of advertisements and instructing and controlling the printing of advertisements, classified in class 705, subclass 14.
  - II. Claims 8-12, drawn to an advertising information processing system for varying the price of plan commodities and displaying pricing information, classified in class 705, subclass 26.
  - III. Claims 13-16, drawn to an advertising information processing system for accepting proposed upper pricing limits, determining a match of the items with the pricing limits, generating the item accordingly, and storing, displaying, and controlling the display of the item, classified in class 705, subclass 26.
- 3. Inventions of group I and groups II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the invention of group I has separate utility such as controlling the display of advertisements and instructing and controlling the printing of advertisements for a customer, which does not involve varying the price of plan commodities and displaying pricing information. See

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MPEP § 806.05(d).

4. Inventions of groups I and group III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the invention of group III has separate utility such as accepting upper pricing limits, matching the items to this proposed pricing limit, and displaying the results, which does not involve enabling and controlling the display of advertisements and instructing and controlling the printing of advertisements. See MPEP § 806.05(d).

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- 5. Inventions of groups II and group III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, the invention of group II has separate utility such as varying the price of plan commodities and displaying pricing information, which does not involve accepting proposed upper pricing limits, determining a match of the items with the pricing limits, generating the item accordingly, and storing, displaying, and controlling the display of the item. See MPEP § 806.05(d).
- 6. Since the restriction is complex and examiner knows from past experience that an election will not be made by telephone, this restriction is proper under MPEP 812.01.

## Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Namrata (Pinky) Boveja whose telephone number is 571-272-8105. The examiner can normally be reached on Mon-Fri, 8:30 am to 5:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on 571-272-6724. The **FAX number** for the organization where this application or proceeding is assigned is **571-272-8300**.

NB

March 20<sup>th</sup>, 2006

PRIMARY EXAMINED